

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KHA MANH NGUYEN,
BICH NGUYEN and
LIEN NGUYEN,

Defendants.

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8:07CR287

ORDER

This matter is before the court on the motion for an extension of time by defendant Bich Nguyen (Filing No. 58). Bich Nguyen seeks an extension of time to February 29, 2008, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 53). Bich Nguyen has filed an affidavit wherein Bich Nguyen consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 58). Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Bich Nguyen's motion for an extension of time (Filing No. 58) is granted. Bich Nguyen is given until **on or before February 29, 2008**, in which to file pretrial motions pursuant to the progression order (Filing No. 53). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 13, 2008 and February 29, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of February, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge